

Application No. 09/989,437
Docket No. DP-820 US

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REMARKS

Entry of this Amendment is believed proper since no new issues are being raised
which would require the Examiner's further consideration and/or search.

A Petition and Fee for \$330.00 for Two Month Extension of Time is submitted
herewith. A Petition and Fee for \$120.00 for a One Month Extension of Time was submitted
on April 25, 2007.

An Excess Claim Fee Payment of \$300.00 for six (6) additional claims in excess of
twenty (20) total claims, (at \$50.00 each per claim over the previously paid for 30 claims) is
included herewith.

Claims 1-36 are all the claims presently pending in this application. Claims 1, 9 and
28 have been amended to more particularly define the claimed invention. Claims 31-36 have
been added to claim additional features of the claimed invention.

It is noted that the amendments are made only to more particularly define the
invention and not for distinguishing the invention over the prior art, for narrowing the scope
of the claims, or for any reason related to a statutory requirement for patentability. It is
further noted that, notwithstanding any claim amendments made herein, Applicant's intent is
to encompass equivalents of all claim elements, even if amended herein or later during
prosecution.

Claims 1-16 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over
Montlick, U.S. Pat. No. 5,561,446 further in view of Snell, U.S. Pat. No. 5,724,985.

Claims 18, 22-23, 27 and 30 stand rejected under 35 U.S.C. §103(a) as being
unpatentable over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985
further in view of Igarashi et al., "An Architecture for Pen-based Interaction on Electronic

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Whiteboards."

Claims 20-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Fenster, U.S. Pat. No. 5,454,371.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Tanaka, U.S. Pat. No. 5,249,296.

Claims 17, 19, 26, 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Applicant's Admitted Prior Art.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention, as defined, for example, by independent claim 1, (and similarly independent claims 9 and 28) is directed to an application method for supporting a medical treatment system, the system comprising an input/display device including input means and display means, and a storage, the method including the input/display device receiving input by handwriting, determining whether an identifier has been received in the handwriting, storing data in the storage substantially all as medical data, the input means moving in a sliding manner on a sheet label displayed at a particular position on a screen by the display means, and the input/display device reading, when the input means moves onto the sheet label, data stored in the storage in relation to the sheet label from the storage, and displaying the data by conducting a change-over operation for the sheet label, wherein the

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identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code. (See Specification at page 18, lines 17-29, for exemplary support.)

II. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 further in view of Snell, U.S. Pat. No. 5,724,985

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446, (Montlick), further in view of Snell, U.S. Pat. No. 5,724,985, (Snell), makes obvious the invention of claims 1-16 and 24.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Montlick with the teaching from Snell to form the invention of claims 1-16 and 24. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Montlick, nor Snell, nor any alleged combination thereof, teaches or suggests, “*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*” with respect to Applicant’s claimed invention of independent claims 1, 9 and 28.

Additionally, neither Montlick, nor Snell, nor any alleged combination thereof, teaches or suggests, “*wherein said identifier comprises an input device identifier that identifies an identity of an input operator,*” of Applicant’s claimed invention of claims 31, 33 and 35, and “*wherein said identifier comprises a screen identifier that identifies a screen where input strokes are stored,*” of Applicant’s claimed invention of claims 32, 34 and 36.

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Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick and Snell (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Igarashi et al., "An Architecture for Pen-based Interaction on Electronic Whiteboards"

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985, (Montlick and Snell), further in view of Igarashi et al., "An Architecture for Pen-based Interaction on Electronic Whiteboards", (Igarashi), makes obvious the invention of claims 18, 22-23, 27 and 30.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Montlick and Snell with the teaching from Igarashi to form the invention of claims 18, 22-23, 27 and 30. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Igarashi fails to make up for the deficiencies of Montlick and Snell as discussed above.

The Examiner asserts Igarashi discloses a whiteboard interface design for informal office work including techniques for the management of space on the board, the ability to flexibly apply behaviors to support varied applications semantics, and mechanisms for managing history on the board.

However, even assuming *arguendo* that the Examiner's position has some merit,

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Igarashi fails to teach or suggest, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" with respect to Applicant's claimed invention of independent claims 1, 9 and 28. Therefore, Igarashi fails to overcome the deficiencies of Montlick and Snell.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Montlick and Snell and Igarashi (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

C. The 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Fenster, U.S. Pat. No. 5,454,371.

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985, (Montlick and Snell), further in view of Fenster, U.S. Pat. No. 5,454,371, (Fenster), makes obvious the invention of claims 20-21.

Applicant submits, however, that neither Montlick and Snell, nor Fenster, nor any alleged combination thereof, teaches or suggests, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" with respect to Applicant's claimed invention of independent claim 1 with respect to dependent claims 20-21.

See Applicant's arguments with respect to Independent claim 1 in section A., above, with respect to neither Montlick, nor Snell, nor any alleged combination thereof, teaches or suggests, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data*

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corresponding to an intra-identifier code," of claim 1.

Fenster discloses a three-dimensional ultrasound imaging system includes an ultrasound probe to direct ultrasound waves to and to receive reflected ultrasound waves from a target volume of a subject under examination.

Fenster fails to teach or suggest, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" Therefore, Fenster fails to overcome the deficiencies of Montlick and Snell.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

D. The 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of Tanaka, U.S. Pat. No. 5,249,296

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985, (Montlick and Snell), further in view of further in view of Tanaka, U.S. Pat. No. 5,249,296, (Tanaka), makes obvious the invention of claim 25.

Applicant submits, however, that neither Montlick and Snell, nor Tanaka, nor any alleged combination thereof, teaches or suggests, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" of independent claim 1 with respect to dependent claim 25.

See Applicant's arguments with respect to independent claim 1 in section A., above,

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with respect to neither Montlick, nor Snell, nor any alleged combination thereof, teaches or suggests, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" of claim 1.

Tanaka discloses an information processing apparatus for controlling window positions comprising a pen for inputting coordinate information, a tablet for generating coordinate data based on coordinate information input by the pen onto the tablet, a display placed under the tablet in such a manner that an image on the display is visible through the tablet means, and first display control means for opening in a predetermined position a new window corresponding to the icon selected by a checking (pen down, pen up at a single icon location) operation of the pen.

Tanaka fails to teach or suggest, "*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*" Therefore, Tanaka fails to overcome the deficiencies of Montlick and Snell.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

E. The 35 U.S.C. § 103(a) Rejection over Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985 further in view of further in view of Applicant's Admitted Prior Art

The Examiner alleges that Montlick, U.S. Pat. No. 5,561,446 and Snell, U.S. Pat. No. 5,724,985, (Montlick and Snell), further in view of further in view of Tanaka, U.S. Pat. No.

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5,249,296, (AAPA), makes obvious the invention of claims 17, 19, 26, 28 and 29.

Applicant submits, however, that neither Montlick and Snell, nor AAPA, nor any alleged combination thereof, teaches or suggests, “*determining whether an identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*” of claim 1, and, “*means for determining whether an identifier has been received in said handwriting input ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code,*” of claim 28.

The Examiner states in the Office Action that, “Montlick does not expressly disclose, ‘determining whether a data identifier has been received in said handwriting.’”

The Examiner alleges that Snell “determines if a gesture has been entered as part of the handwriting and performs tasks based on the identifier of the gesture,” (Office Action at page 3).

Applicant respectfully disagrees with Examiner’s interpretation of the gesture of Snell somehow including an “identifier of the gesture,” (to which the Examiner fails to specify where Snell teaches or suggests “an identifier of the gesture”), being equivalent to Applicant’s “data identifier” “received in said handwriting.”

Snell’s gesture as disclosed by Snell fails to include any identifier whatsoever, especially that identifies stored data corresponding to an intra-identifier code.

However, Snell does disclose that gestures are an alternative way of entering certain functions with respect to the computer 100. Snell presents an example of a “cross out” gesture being equivalent of a delete command that may, by example, eliminate a medical procedure from a suggestion list of medical procedures, or to delete a pending request to print

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from the print queue.

One of the challenges in developing a pen-based user interface for manipulating medical data is providing appropriate commands to allow the physician or medical specialist to move selected portions of the data scroll 268 into a visible segment 270 of the data scroll 268 that is visible on a window of a screen display. One set of such commands relies on the capacity of the tablet computer 100 (FIG. 1) to recognize gestures. Gestures provide an alternative to tapping buttons or tapping and dragging icons (described in connection with FIG. 4). The present invention uses gestures for a variety of functions. One such use is the "cross out" gesture which is used to simultaneously select and delete an item from a list. Typical uses of the cross out gesture could include eliminating a medical procedure from a suggested list of medical procedures provided to the physician or medical specialist, or deleting a pending request to print from the print queue. (Emphasis added.) (Column 18, lines 28-45.)

Snell fails to teach or suggest the gestures that are provided as an alternative to tapping buttons or tapping and dragging icons a containing a data identifier that is received when the gestures are reduced to handwriting on the computer 100. There is no teaching or suggestion at the gestures contain or are themselves a data identifier, but are merely an alternative way of inputting functions into computer 100.

Snell fails to teach or suggest, "determining whether a data identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code." Therefore, Snell fails to overcome the deficiencies of Montlick.

AAPA fails to teach or suggest, "determining whether a data identifier has been received in said handwriting, ... wherein said identifier comprises a data identifier that identifies stored data corresponding to an intra-identifier code." Therefore, AAPA fails to overcome the deficiencies of Montlick and Snell.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references (alone or in combination) fail to teach or

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suggest each and every element and feature of Applicant's claimed invention.

F. New Dependent Claims 31-36

Claims 31-36 have been added to more particularly define the claimed invention.

Claims 31, 33 and 35 recite, "wherein said identifier comprises an input device identifier that identifies an identity of an input operator," and depend from independent claims 1, 9 and 28, respectively. See exemplary Specification support at page 27, lines 11-24.

Claims 32, 34 and 36 recite, "wherein said identifier comprises a screen identifier that identifies a screen where input strokes are stored," and depend from independent claims 1, 9 and 28, respectively. See exemplary Specification support at page 30, lines 10-18.

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III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-36 all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

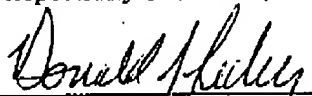
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

June 25, 2007

Respectfully Submitted,



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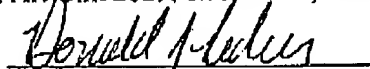
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116, Petition for Extension of Time and Fee, and Excess Claim Fee Payment Letter and Fee to Examiner Holton, Art Unit 2629, on June 25, 2007.



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